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Raphael Lemkin: The Exceedingly Patient and Totally Unofficial Man

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Throughout her ground-breaking book, *A Problem From Hell: America and the Age of Genocide*, Samantha Power makes a clear and concentrated effort to emphasize that genocide prevention has never been prioritized by the United States. She consistently gives detailed accounts of America's failure to act proactively, or even reactively to prevent atrocities from occurring on a mass scale. Furthermore, she implicates Britain for also maintaining a lack of concern for genocide, proclaiming that genocide prevention has largely been ignored on an international scale. Such fervent neglect on the topic forces one to ponder if there has ever been an admirable effort made, on any scale, for the international ban of genocide. Power answers this question through her extensive account of the life and career of Raphael Lemkin, a Polish Jew who coined the term "genocide" and is almost solely responsible for making genocide an internationally illegal offense. Although he faced extraordinary difficulties and massive opposition from both the media and the American government, Lemkin's exhaustive efforts can ultimately be viewed as successful. Lemkin brought an unparalleled level of awareness to his self-defined concept of genocide, bringing its legal abolition to the international stage and inspiring future generations of humanitarians in the public sphere, such as Senator William Proxmire, to continue his mission to end the most horrific crime known to humanity. Lemkin's legacy is one of unyielding determination and sacrifice made for the good of mankind, proving that no obstacle is too arduous when it pertains to saving lives.

Raphael Lemkin was born on June 24, 1900 in the small village of Bezwodne, which was under the control of the Russian Empire at the time. Lemkin grew up in a Polish-Jewish family, and was home-schooled by his highly intelligent mother, who was a painter, linguist, and ardent

student of philosophy. Lemkin was, somewhat peculiarly, fascinated by atrocity and mass-murder from a young age, describing himself as "an impressionable youngster leaning to sentimentality… I was appalled by the frequency of evil… and, above, all, by the impunity coldly relied upon by the guilty" (Power, 20). Lemkin took advantage of his unique education and deeply sophisticated teacher, undertaking "an unusually grim reading list" (Power, 20) and studying the history of genocide and mass-murder. Unfortunately, ethnic killings and politically supported violence held a personal relevance to Lemkin. In 1906, when Lemkin was a mere boy, around seventy Jews were murdered and ninety gravely injured in local pogroms, during which unruly mobs filled the stomachs of their specifically-targeted victims with feathers. Tragically this was not a unique occurrence, as pogroms were carried-out throughout the Russian Empire for nearly half of a century. During World War I, Lemkin and his family found themselves trapped in the midst of the conflict between German and Russian forces. With no other options remaining, the Lemkin family buried their valuables and hid in the local wilderness. Their home was destroyed by artillery fire; their crops, horses and livestock were seized by German forces, and Samuel–one of Lemkin's brothers–died of pneumonia and malnutrition.

Although Lemkin had been intricately familiar with genocide from an early age, he was deeply motivated to act on its behalf during the trial of Soghoman Tehlirian. A young and particularly bright Armenian-American, Soghoman Tehlirian received global attention after assassinating Talaat Pasha, the primary instigator of the Armenian Genocide. While Tehlirian awaited trial in Berlin, Lemkin brought a newspaper article on the story to one of his professors at the University of Lvov, posing to him the question that inspired his later actions: "It is a crime for Tehlirian to kill a man, but it is not a crime for his oppressor to kill more than a million men? This is most inconsistent" (Power, 17). This very question prompted Lemkin to transfer to the

Lvov school of law and study the legal codes for prohibiting mass-slaughter. His time as a linguistics and philology student was not fruitless, as Lemkin's ability to speak around a dozen languages proved to be one of his most valuable skills. Upon departing from law school, Lemkin drafted an international law that would make the purposeful destruction of an ethnic, religious, or national group an international offense. In 1933, Lemkin intended to present his legislation during a European legal conference in Madrid. To his wild disbelief, Lemkin's ideas were met with significant adversity. Just beginning to recover from the widespread destruction of World War I, the majority of European countries became fervently isolationist, prioritizing the rebuilding of their economies, infrastructures, and militaries over any notion of "crimes that shock the conscience" (Power, 22). Lemkin's proposal, which included warnings about the anti-Semitic writings and beliefs of Adolf Hitler, fell upon deaf ears in Madrid and failed to garner any significant support. This would be the first of many failures Lemkin would have to endure and overcome throughout his career. With the understanding that eliminating minority groups would go virtually unnoticed, Hitler invaded Poland on September 1, 1939, beginning a war during which the Nazi party systematically murdered and ethnically cleansed eleven-million people.

Fearing for his life, Lemkin fled from Poland, evading death on several occasions before eventually emigrating to the United States. During his journey, Lemkin encountered many other native Polish Jews whom he warned of Hitler's radical anti-Semitism and passionately encouraged to escape while they still had the chance. Lemkin's pleas were tragically ignored. Even his own family refused to leave their homeland, forcing Lemkin to make the nearly impossible choice to continue his journey entirely on his own. Before what would prove to be his final interaction with his family, Lemkin was given shelter by a devout Jewish baker and his

family. The adamant refusal of the baker to heed Lemkin's warning and his perspective on the Nazi invasion of Poland can be used to summarize the overall sentiment of Polish Jews at the time, to which Lemkin describes, "He could not believe the reality of [Hitler's intent], because it was so much against nature, against logic, against life itself… There was not much sense in disturbing or confusing him with facts. He had already made up his mind" (Power, 25). After being ignored by his fellow countrymen, Lemkin traveled to America, where, upon hearing the horrible news that nearly his entire family had been slaughtered by the Nazi regime, he began campaigning for American acknowledgement of and intervention in Hitler's final solution of the Jewish problem.

As is typical in American diplomacy, the United States government never seriously considered intervening in order to prevent Hitler's genocide against the Jews, despite possessing credible knowledge of its occurrence. Power's writing makes it abundantly clear that the allied forces were well aware that the Shoah was taking place, but chose not to intervene. Along with Lemkin, Jan Karski, Szmul Zygielbojm, and several others presented valid evidence of the slaughter of Polish Jews to the American government. Their desperate pleas, despite being supported by documentation and reliable sources, were met with political indifference and an explicit lack of belief. Such indifference led to Zygielbojm's suicide in 1943, which he committed in order to protest the failure of the allied nations to take preventative measures against the slaughter of Polish Jews. Realizing that something had to be done to strengthen his position, Lemkin used his linguistic skills to invent a word that would finally designate what Winston Churchill previously described as "a crime without a name" (Power, 30). Thus, the term "genocide" was created. The word was purposefully created to be "short… novel… and not likely to be mispronounced. Because of the word's lasting association with Hitler's horrors, it

would also send shudders down the spines of who heard it" (Power, 42). Around this time, Lemkin also began to establish broad definitions for his newly created term, as Power writes that, "A group did not have to be physically exterminated to suffer genocide. They could be stripped of all cultural traces of their identity" (43). The coinage of the word "genocide" along with its sweeping definition would prove to be perhaps Lemkin's most significant and successful contribution to international law, as he had finally established a distinct name for such horrendous crimes. This was an extremely important achievement in both a legal and social sense, as it allowed lawyers, politicians, and common citizens alike to engage in dialogue about a crime that had previously been labeled as taboo and indescribable. In a sense, coining the word helped to materialize and legitimize genocide as a distinct concept. Despite this monumental accomplishment, Lemkin's biggest challenge was yet to come, as his fight to make genocide an international crime would occupy the remainder of his life, filled with countless disappointments along the way.

While lobbying for the inclusion of genocide in the ruling of the Nuremburg Trials, Lemkin met with his brother Elias, who informed Lemkin that at least forty-nine members of their family, including Lemkin's parents, had been killed by the Nazis. This news devastated Lemkin, inspiring him to devote each breath he took for the remainder of his life to the prevention of genocide. In the words of Power, "If Lemkin was relentless before, the loss of his parents sent him into overdrive" (49). While genocide was mentioned a scarce number of times throughout the Nuremburg trials, the pronouncement of the tribunal, which was made public on what Lemkin would later refer to as "the blackest day of his life" (50), made no mention of the concept of genocide. Undeterred by this setback, Lemkin immediately thereafter drafted sample legislation outlawing genocide for the UN General Assembly meeting of 1946. Leading up to the

proceeding, Lemkin relentlessly and tenaciously lobbied for the passage of his legislation. Many correspondents and UN delegates found themselves fleeing from Lemkin, whom was constantly pursuing them, pleading his case, and passionately seeking their support. Lemkin was so unbelievably determined to see the legislation pass that he ignored his own personal wellbeing; "The journalists frequently spotted him in the UN cafeteria cornering delegates, but they never saw him eat. In his rush to persuade delegates to support him, he frequently fainted from hunger. Completely alone in the world and perennially sleepless, he often wondered the streets at night" (52). But his persistence paid dividends, as on December 11, 1946, the General Assembly unanimously passed legislation that condemned genocide. After his victory, "Lemkin returned to his run-down one-room apartment in Manhattan, pulled down the shades, and slept for two days" (54).

Appointed by UN Secretary-General Trygve Lie to help draft the Genocide Convention, Lemkin's time of rest was short-lived. When challenged that the legal condemnation of genocide would prove entirely ineffective in stopping future genocide, Lemkin declared "Only man has law. Law must be built, do you understand me? You must build the law" (55). This iconic quotation perhaps best exemplifies the reasoning behind Lemkin's campaign. In the words of the renowned journalist A.M. Rosenthal, "He was not naïve. He didn't expect criminals to lay down and stop committing crimes. He simply believed that if the law was in place it would have an effect" (55). Lemkin wrote countless letters in numerous languages, lobbied religious groups, women's rights groups, small community activists, and anyone who was willing to listen to him. Finally, on December 9, 1948, The General Assembly unanimously approved the Genocide Convention. Years of work and disappointment had culminated into Lemkin's greatest victory. Journalists searched for Lemkin, finally ready to give praise to the man of whom they had been

critical for so long. But alas, Lemkin was nowhere to be found. He hid himself in the darkened assembly hall and wept uncontrollably, describing the effect of the moment as an "'epitaph on his mother's grave' and as recognition that 'she and many millions did not die in vain'" (60).

In order for the enforcement of the convention to come into effect, twenty-five UN member states had to ratify the law. Eager to meet the challenge, Lemkin went to work. Power writes, "Lemkin again became a one-man, one-globe, multilingual, single-issue, lobbying machine" (61). Maintaining correspondence in six different languages, Lemkin wrote an absurd number of letters advocating for the ratification of the ban, each tailored to have a personal impact on its reader. Once again, Lemkin's extraordinary lobbying skills and political suave led to great success, as the genocide convention was officially ratified and made into international law, a victory Lemkin would refer to as "A triumph for mankind and the most beautiful day of my life" (64). After another profusion of nations signed the Genocide Convention in 1957, the *New York Times* published an article praising Lemkin for his work and deeming him "that exceedingly patient and totally unofficial man" (76). Lemkin would, unexpectedly, experience his greatest challenge in attempting to secure the ratification of the Convention in the United States Senate. Once again, Lemkin's success was met with yet another daunting challenge, and once again, Lemkin wholeheartedly confronted the challenge despite lacking considerable support. Opponents of the bill argued that the definition of genocide was far too broad, presenting the opportunity for legal loopholes and an overused application of the convention to prosecute petty offenses. However, as Power states, "The problem in the decades ahead would not be that too many states would file genocide charges against fellow states at the International Court of Justice. Rather, too few would do so" (68). Furthermore, Senators representing southern states worried that the broad definition of the Genocide Convention could be used to prosecute

the south for segregation and racially driven lynching of African Americans. Meanwhile, other legislators were worried that the Soviet Union would not be condemned for their atrocities, as the annihilation of political groups was left out of the Genocide Convention. With that being said, "The core American objections to the treaty, of course, had little to do with the text… Rather, American opposition was rooted in a traditional hostility toward any infringement on U.S. sovereignty, which was only amplified by the red scare of the 1950s" (69).

Facing a bombardment of opposition from Senators as well as the popularity of the legally unbinding yet renowned Universal Declaration of Human Rights, Lemkin would not live to see the Genocide Convention ratified by the United States. However, the failure of the United States to ratify the Convention should not be extended or attributed to Lemkin, as one man can only do so much in a democracy watered down by self-serving bureaucratic interests and a lack of ingenuity and compassion as it pertains to human rights issues. Lemkin was a visionary far ahead of his time, whose ideas were perceived as radical and fruitless by senseless politicians whose concerns and complaints have since lost relevance. On August 28, 1959, Lemkin collapsed and died of a heart attack in the public relations office of Milton H. Blow. When he died at the age of fifty-nine, Lemkin was penniless, surviving through generous donations made primarily by religious organizations. Two days after his death, a *New York Times* editorial wrote of those who opposed Lemkin's Convention: "They will not have to think up explanations for a failure to ratify the genocide convention for which Dr. Lemkin worked so patiently and so unselfishly for a decade and a half… Death in action was his final argument–a final word to our own State Department, which has feared that an agreement not to kill would infringe upon our sovereignty" (78). Seven people attended Lemkin's funeral.

The Genocide Convention would be immersed in shadow until William Proxmire, a wiry and charismatic Senator from Wisconsin, adopted Lemkin's cause in 1967. Proxmire, unlike Lemkin, was born into a financially stable and socially acclaimed family with ties to the Rockefellers. However, Proxmire was quite similar to Lemkin in the sense that he was "a loner who had a habit of breaking with convention" (79). Inspired by a colleague to campaign for the ratification of the Genocide Convention, Proxmire stood before the Senate floor and promised to deliver a speech each day until the Convention was ratified. Proxmire also made a point, and a show, of never missing a roll call during his tenure as a Senator, notching over ten-thousand consecutively. Proxmire, a hyper-intelligent man, stood true to his promise, delivering a different and often contemporarily relevant speech each day. These speeches spanned the course of over nineteen years, tallying 3,211 in total. Proxmire noted during one of his speeches that, "They are the most lethal pair of foes for human rights everywhere in the world–ignorance and indifference" (84). Finally, in 1989, President Ronald Reagan ratified the Genocide Convention. The following year, Proxmire's career as a Senator ended. Shortly before his retirement from the Senate, Proxmire proclaimed of the ratification of the Genocide Convention: "It is a tribute to a remarkable man named Raphael Lemkin… one individual who made the great difference against virtually impossible odds… Lemkin died 29 years ago… He was a great man" (Power, 168). Nearly three decades after his death, Lemkin's life work had finally come to its ultimate fruition. Proxmire embodied Lemkin's legacy, graciously and respectfully accepting the torch from the man who sacrificed everything for what he believed in.

Raphael Lemkin's life and professional career were filled with turmoil, disappointment, tragedy, and adversity. Nevertheless, his tenaciousness, discipline, unbelievable work ethic, and determination in the face of seemingly insurmountable odds make him an inspiration and a true

defender of humanity. While it may be true that it took the United States nearly forty years to ratify the Genocide Convention, and that it took until 1998 for a nation to be condemned for breaching the Convention, Lemkin lived and died by his own system of morals and beliefs, uninfluenced by failure or opposition. Lemkin built the law, he used his vision and talents to coin a new term for unthinkable crimes, and then almost single-handedly had that concept ingrained into international law. Power's detailed account of his life only further cements Lemkin's status as one of the most significant contributors in the international struggle for definitive human rights. Through Lemkin's most valiant of efforts and those of his successors such as William Proxmire, eventually, the law will have an effect. After all, that is the only thing Lemkin truly desired.

Works Cited

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